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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,917	11/01/2001	Joseph A. Zupanick	067083.0161	7751
26231	7590	11/03/2008	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KRECK, JOHN J	
		ART UNIT	PAPER NUMBER	
		3672		
		NOTIFICATION DATE	DELIVERY MODE	
		11/03/2008	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER

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Minneapolis, MN 55440-1022

*In re Application of Zupanick et al.* : **DECISION ON PETITION**  
Appl.No.: 10/003,917 : **UNDER 37 CFR 1.59**  
Filed: November 1, 2001 :  
For: METHOD AND SYSTEM FOR SURFACE :  
PRODUCTION OF GAS FROM A :  
SUBTERRANEAN ZONE :  
:

This is a decision on the petition under 37 CFR 1.59(b), filed January 18, 2008, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the court documents from the *CNX Gas Corporation vs. CDX Gas, LLC*, Civil Action No. 05-1574, filed January 18, 2008, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

The requested material has been expunged. However, the material will not be returned to the applicants. The obligation to return documents was removed from 37 CFR 1.59 in 2003 (June 30, 2003 Fed Register, Vol. 68, No. 125, 38613). The documents have been closed from the IFW record so as not to be viewable by non-PTO personnel.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Frederick Schmidt, Director  
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